THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.22820 of 2007

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ORDER:

It is the case of the petitioner, namely, Bogavalli Venkateswara Rao, that he along with his brother Bogavalli Prasad, both the sons of Narsimha Murthy, filed a petition under Section 9 of the A.P. Regulation 2 of 1970 for grant of Ryotwari pattas on the file of the Settlement Officer, Kovvur, West Godavari District and the Settlement Officer by order dated 28-02-1997 in S.R. No.36 of 1993, after conducting the enquiry, granted ryotwari patta in respect of 1.06 hectares in R.S.No.556, 1.58 hectares in R.S.No.515/1 and 0.41 hectares in R.S.No.527/6. Thereafter, out of the said land an extent of Acs.2.00 was acquired by the Government for providing house sites to the weaker sections prior to the grant of ryotwari patta itself and still there remains an extent of Acs.1.90 cents. It is the case of the petitioner that he is in possession and enjoyment of the said land and the Government is intending to acquire even the said land for the purpose of providing house sites. Therefore, petitioner seeks to issue a Writ of *Mandamus* directing the respondents not to evict the petitioner without following the due process of law.

After filing the Writ Petition, which was filed on 29-10-2007, it is stated that the petitioner filed a representation dated 30-10-2007 before the Tahsildar, Buttaigudem Mandal, West Godavari District, contending that without following due process of law, the Authorities are taking steps to dispossess him for the purpose of giving house sites to the weaker sections.

Having regard to the facts and circumstances of the case, I am of the opinion that in view of the grant of ryotwari patta as aforesaid, the respondents cannot dispossess the petitioner or evict him without following due process of law.

Accordingly, Writ Petition is disposed of directing the

respondents not to evict or dispossess the petitioner from the land situated in R.S.No.515/1A Ac.1.90 cents of Buttaigudem Village and Mandal, West Godavari District without following due process of law.

No order as to costs.

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V.ESWARAIAH, J.

Date : 26th November, 2007

Note: Issue C.C. in three days.

B/O

skmr

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.22820 of 2007

Dated 26th November, 2007

Between:

Bogavalli Venkateswara Rao

.. Petitioner

And

The District Collector,
West Godavari District, Eluru and others ..
Respondents